

HOME (POLICE) DEPARTMENT

The 17th November, 1966

No. 565/B.—The Governor of Haryana is pleased to post Shri Harpal Singh, I. P. S., as Assistant Inspector-General of Police (II), Haryana, with effect from the 1st November, 1966, forenoon.

The 18th November, 1966

No. 594/B.—The Governor of Haryana is pleased to post Shri J. C. Vachher, IPS, as Deputy Inspector-General of Police, Criminal Investigation Department, Haryana, with effect from the 1st November, 1966, forenoon.

The 22nd November, 1966

No. 818/B.—The Governor of Haryana is pleased to post Shri H. R. K. Talwar, I. P. S., as Deputy Inspector, General, Haryana Armed Police, with effect from the 1st November, 1966, forenoon.

The 21st November, 1966

No. 699/B.(.) Posting.—The Governor of Haryana is pleased to post Shri Hans Raj Kapur, Officiating Deputy Superintendent of Police, on transfer from C. I. D., Chandigarh to the C. I. D. Rohtak, where he assumed charge of his duties on the forenoon of 11th November, 1966.

BHAGWAN SINGH ROSHA, Joint Secy.

MEDICAL AND HEALTH DEPARTMENTS**Appointment, Posting and Transfer**

The 22nd November, 1966

No. 201-2HBI-66/480.—The following appointment, posting and transfer is made with effect from the date mentioned below:—

Name	Appointment relinquished, with date	Posting or transferred to, with date	REMARKS
Dr. S. P. Jain	Deputy Director, Health Services (Medical), Punjab, Chandigarh; 1st November, 1966 (forenoon)	Director, Health Services, Haryana, Chandigarh; 1st November, 1966 (forenoon)	Appointment made —vide Haryana Government (Medical & Health Department) No. 129-2HBI-66, dated the 11th November, 1966.

B. L. AHUJA, Secy.

LABOUR AND EMPLOYMENT

The 18th November, 1966

No. 366-III-Lab-66/885.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following Arbitration award of Shri I. C. Puri, I.A.S. Secretary to Government, Punjab, Labour and Employment Department, in respect of the dispute between the workmen and the Management of M/s Hindustan Machine Tools, Pinjore.

AWARD

An industrial dispute having arisen between the the Management of the Hindustan Machine Tools, Pinjore, represented by Shri P. S. Banerji, General Manager, on the one side and the workmen through their Union, namely, the H.M.T. Karmik Singh (Regd.), represented by the President, Shri Darbara Singh and the General Secretary, Shri Abhai Singh, on the other, it was agreed by the parties by the Arbitration Agreement, dated 24th September, 1966, published as a Notification in the Punjab Government notification N. 11528-III-Lab. I-66/27800, dated the 24th September, 1966, that the dispute may be referred to me for arbitration under Section 10-A of the Industrial Disputes Act, 1947. The specific matter in dispute is as follows:—

“Whether the termination of services/dismissal of the following workmen is justified and in order. If not, to what relief they are entitled:—

1. Shri Dabir Singh.
2. Shri A. K. Sood.
3. Shri Nasib Singh.
4. Shri Sudesh Kumar.
5. Shri Sohan Lal Verma.
6. Shri Gurcharan Singh.
7. Shri Kulwant Singh.
8. Shri Rajinder Singh.
9. Shri Shamsher Singh.”

2. I heard the parties at great length on the 10th October, 17th October and 20th October, 1966. I also inspected the H. M. T. Unit at Pinjore on the 17th October, 1966, and saw the particular machines on which the workmen were working and also saw the manner in which the production Plan Estimates are prepared. I also heard the parties at great length in respect of each workman whose services were terminated or who was dismissed. I also heard Shri Balbir Singh Chima and Shri A. K. Sood personally. I also heard Shri N. K. Sood, Mechanic to determine the extent of damage to a certain machine alleged to have been caused by one of the workmen.

After hearing the Parties in the manner aforesaid I have come to the following decisions in respect of each of the workmen and I give my award as under:—

1. *Shri Balbir Singh Chima.*

In the original reference made to me the name, Shri Dalbir Singh, has been used. It was accepted by both the parties that this was a typing error and the correct name was Shri Balbir Singh and a reference was to Shri Balbir Singh Chima. Shri Balbir Singh was duly charge-sheeted by the management and a proper inquiry was held. I have gone through the papers of the inquiry and read the detailed evidence in the case. Shri Balbir Singh Chima was charged on the following grounds:—

- “1. That since 1st January, 1966, you have been neglecting work by slowing down production which is evident from your present and immediate past performance.
2. That on 4th January, 1966 when you were on duty in B. Shift at about 5.15 p.m. you have wilfully and deliberately caused damage to machine No. 143/02 Centre Lathe H—22.”

It was an unusual feature of this inquiry that the Labour Welfare Officer of the Company, Shri B.S. Dhillon, sat as one of the Inquiry Officers, although the Labour Welfare Officers generally sit as observers on such a court of inquiry. However, even on merits I am unable to accept the conclusion drawn from the evidence led in the inquiry.

There is hardly any evidence worth the name to prove that Shri Balbir Singh had slowed down production nor has sufficient evidence been adduced to prove that he wilfully and deliberately caused damage to machine No. 143/02 Centre Lathe H—22. I find that even by accident a damage of the kind alleged against this workman could have taken place. I personally examined the working of Lathe H—22 and saw that a slight carelessness in not putting the operating lever correctly in neutral position, can leave the machine working. An examination of Shri N. K. Sood, Mechanic, also revealed that there was a rare chance of a mechanical breakdown occurring which could lead to failure of the stopping mechanism. There was also the possibility of an accidental movement of the remote control operating lever by this workman or some other workman. In any case, at best this would be a case of negligence and there is no element in the evidence to suggest that wilful and deliberate damage had been caused to the machine by this worker. In the circumstances I hold that the dismissal of Shri Balbir Singh Chima was not justified, on the basis of the inquiry held against him. This is particularly so as no action was taken against Shri Dwarka Nath, who had caused a similar accident on this machine. I, therefore, hold that the dismissal not being justified the worker is entitled to re-instatement with immediate effect with payment with full back wages.

2. *Shri A.K. Sood*

This worker was dismissed by the Management after due inquiry on the following charge:—

- “That while you were on duty in ‘B’ shift on 6th January, 1966, at about 2.45 p.m. you left your place of work and went to Gear Internal and Cylindrical Grinding Section and behaved rudely and impertinently towards Shri Baldev Raj, Chargehand ‘A’, T. No. 1800, of the Small Parts Gear Section and abused him as “Maan Ohod Behen Ohod Ulloo ka patha Jahan se nikla hai wahan bar dun ga”.

I have gone through the inquiry report and find that the evidence proves beyond doubt that the charge against this worker is proved. The workman agreed before me that in case the charge was proved a penalty of dismissal was reasonable and correct. Since I hold that the charge was properly proved in the enquiry I further hold that the worker was dismissed with justification and is not entitled to any relief.

3. *Shri Nasib Singh.*
4. *Shri Sudesh Kumar.*
5. *Shri Sohan Lal Verma.*
6. *Shri Gurcharan Singh.*

I shall take the cases of these four workers together. Their services were terminated in accordance with the terms of the contract without assigning any reason. In fact, their services were terminated because of their participation in ‘slow-down’. It was explained on behalf of the Management that 40—45 people were involved in the ‘slow-down’ which took place early this year. The list of these persons were produced before me. On being advised that action should not be taken against a large number of people the Management decided to pick out the worst cases. In examining the first ten cases out of 40 or 45, the Management found four workmen guilty of ‘slow-down’. After action to terminate the services of these four workmen had been taken, normal resumption of work took place and, therefore, they did not proceed to examine the remaining 30 or 35 cases. It is obvious that the choice of these four persons was purely arbitrary and a matter of accident. It is quite possible that the worst offenders were in the remaining 30 or 35 whose cases were never examined. In selecting these four workers for termination of services the management clearly

discriminated against them and were, therefore, unfair to them in relation to the other offenders whose cases they gave up. On this ground of discrimination alone these four workers would be entitled to reinstatement. However, on the merits of the allegation regarding "slow-down" I would have some observations to make the following chart shows the percentage of efficiency of these four workers against whom action was taken and two other workers against whom no action was taken :—

Nasib Singh.

38.0

43.5

75.3

48.0

54.0

60.6

51.8

38.8

29.3

22.5

Sudesh Kumar.

45.0

50.0

67.5

54.0

63.5

50.0

45.5

38.3

67.5

67.0

51.0

21.0

Charan Singh. (No action was taken.)

31.3

37.2

30.4

35.1

45.5

68.5

41.50

Ajit Singh. (No action was taken.)

54.7

39.4, 42.5, 38.2, 30.5, 30.5

41.5

67.0

22.0

Sohan Lal Verma.

6.9. 65.... } 107

11.9. 65 }

Fell to 54

46.7

60.5

75

53

December, 32

7.7

Gurcharan Singh.

49.5

44.5

40.0

22.0

51.0

15.2

22.0

51.0

22.6

38.0

15.2

These percentage figures represent the declining efficiency of the workmen. It is interesting to notice that even in the case of Charan Singh where no action was taken the fluctuation of efficiency ranged from 30.4 per cent to 68.5, per cent which means considerably more than twice. Therefore, it would be difficult to give

categorical finding that all these workers were guilty of organised "slow down". Fluctuating efficiency is common in this organisation because the Production Plan Estimates by which the standard of work for different jobs are prepared have a large subjective element which can give rise to differences in performance on different jobs. From the date made available to me I would hold that Shri Sohan Lal Verma and Shri Gurcharan Singh could be considered as more efficient than the others. The appropriate thing to do in such a case was to give them a warning to improve and allow them to show better results. In view of what I have said above my finding is that the termination of services of these four workmen was unjustified and they should be reinstated to their old posts. Out of these four workers Shri Sohan Lal Verma and Shri Gurcharan Singh should only be reinstated after they tender an apology in writing and give a promise to step up their efficiency in performance. The other two workers, Shri Nasib Singh and Shri Sudesh Kumar, may be reinstated without this condition. All these four workers should be given half back wages.

7. *Shri Kulwant Singh—*

This worker's services were terminated by the management as he was doing double employment. He had obtained employment in Beco and was drawing salary since November, 1965, from both the organisations. His services were terminated in January, 1966 by H. M. T. The management and the workmen both agreed before me that the services of this workman were properly terminated. I, therefore, hold that the termination of services of Shri Kulwant Singh was justified and he is not entitled to any relief.

8. *Shri Rajinder Singh—*

This workman was dismissed after proper inquiry on the following charge :—

"On 25th January, 1966, you were assigned the repair job of Lathe Machine No. 198-OI/251, at about 4.00 P.M. You were found sitting cross-legged near Lathe No. 198-OI/251 neglecting your work and reading a book. You were asked by your superior to leave the book and complete the assigned work urgently. You disobeyed the order and behaved in a rude and insubordinate manner and even threatened the superior with assault by saying "Main Tanu Wadh Dian Ga, Tusin Gariban Dha Khoon Ni-Chor Deya, Agge Man Thuwanu Bahar Vikhan Ga."

I have gone through the inquiry proceedings and I am satisfied that the charge was properly proved. The representatives of the workmen agreed that in case I considered the charge proved, the punishment given was justified. Since the inquiry has convinced me that the charge was proved I hold that the dismissal of this workman was justified and he is not entitled to any relief.

9. *Shri Shamsheer Singh—*

This workman was dismissed after due inquiry on the following charge :—

"On 20th December, 1964, at about 5.15 P.M., you along with others assaulted Shri Madan Lal, Artisan Trainee, T. No. 2686, on the National Highway near the Pumping Station thereby committing an act subversive of discipline."

I understand that this workman has gone in a Civil Writ Petition to the High Court. I am advised that in these circumstances I should not decide this case but leave it for decision to the High Court. I accordingly hold that the decision in the case of Shri Shamsheer Singh should be left to the Hon'ble Punjab High Court.

Award announced.

I. C. PURI,
Arbitrator.

The 21st November, 1966

Dated Chandigarh, the 21st October, 1966.

No. 155-3Lab-66/527.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Punjab, Chandigarh, in respect of the dispute between the workmen and management of M/s. Sadhaura Transport Co. (P) Ltd., Sadhaura :—

BEFORE SHRI ISHWAR DAS PAWAR, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, PUNJAB, CHANDIGARH

Reference No. 34 of 1966

IN THE MATTER OF INDUSTRIAL DISPUTE

Between

THE WORKMEN AND THE MANAGEMENT, OF SADHAURA TRANSPORT COMPANY (P) LTD., SADHAURA (AMBALA DISTRICT)

Presence :—

Shri Madhusudan Saran, for the workmen.

Shri R. L. Gupta, for the management.

AWARD

An industrial dispute having arisen between the workmen and the management of the Sadhaura Transport Company (P) Limited, Sadhaura (Ambala District), the Punjab Government referred to this Tribunal under clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the following matter *vide* Notification No. 325-SF-3-Lab-I-66/17736, dated the 13th June, 1966, for adjudication :—

Whether the action of the management in dismissing/terminating the services of Shri Ranjit Singh Uppal, Traffic Manager of the Company, is justified and in order? If not, to what relief the workman is entitled?

In response to the notices issued to the parties they appeared before the Tribunal and filed statements of their respective cases.

In his statement of claim filed through the District Motor Transport Workers Union (Regd.), Ambala, Ranjit Singh workman concerned alleged that he had been working in the respondent company since 1954 in various capacities such as accounts clerk, personal assistant to the Managing Director, Traffic Manager and booking-clerk. He was performing the duties of Traffic Manager/booking clerk when he was dismissed from service in September, 1965. The order of dismissal, is challenged on the grounds that no proper enquiry was held, that the appointment of the enquiry officer was not proper and just because he was prejudiced against him and he did not give him proper opportunity to cross-examine the witnesses produced by the management and to lead his defence, that the enquiry officer did not even supply copies of the proceedings of the enquiry as prayed by him, that no findings of the enquiry officer were given to him with the order of dismissal and that the charge sheet was manipulated only to harass and victimise him so that he be thrown out of service. It has, therefore, been prayed by the workman that he be reinstated with full back wages and continuity of service.

The management in their written statement denied the various allegations made by the workman and resisted his claim for reinstatement and wages. According to them the present management (Board of Directors) purchased the Transport undertaking of the Sadhaura Transport Company from the old Board of Directors with effect from 11th October, 1965. All the shares and the management of the undertaking was thus transferred to the present Board of Directors through a purchase deed from the said date. The management took over all the employees of the old management working on the date of purchase, but Shri Ranjit Singh Uppal was not taken over because on that date he was not in the employ of the company. It has, therefore, been pleaded that the reference against the present management is illegal, void and not capable of adjudication. It has further been pleaded that the management under an express stipulation in the deed of purchase excluded all obligations and responsibilities of the old management in respect of any matter relating to the period prior to 30th September, 1965. The workman concerned having been dismissed much earlier to this date cannot lay a claim against the present management.

While refuting the allegations of the workman the management has further added that from the perusal of the records of the previous company it is clear that a proper enquiry was held against the workman and that he was given full opportunity to cross-examine the witnesses of the management and produce his defence. He, however, absented himself after the evidence of the management had been recorded. The order of dismissal passed against the workman, is therefore, claimed to be perfectly justified.

On the above pleadings of the parties the following issues were framed:—

- (1) Is the respondent company not liable to the claimant in case his dismissal/termination of services is found to be not justified and in order because there has been change of management or employer?
- (2) Whether the action of the management in dismissing/terminating the services of Shri Ranjit Singh Uppal, Traffic Manager of the Company is justified and in order? If not, to what relief the workman is entitled?

Issue No. 1.—It was admitted by Shri Avdesh Kumar, R.W. 1, who is the Managing Director of the respondent Company, that under the purchase a running company without any break was taken over by the present management. Presumably the workers, who were in the employ of the company on the date of the purchase were taken over on the same conditions of service but that by itself would not necessarily show that liabilities and responsibilities of all kinds were also taken over by the purchaser company. On this point we may refer to Ext. R-1 which is a certified copy of the deed of purchase. Clauses (1) and (2) which are set out below are relevant for the purposes of this case:—

- “(1) That in consideration of the mutual covenants the party of the first part hereby assures the party of second part that in the event of any other liability including taxes relating to the period upto and including 30th September, 1965, except those recorded in the books of the said company and included in the trial balance as on 30th September, 1965 signed by the party of the first part, becoming payable by the said company, hereafter, the same shall be payable by the party of the first part and the party of second part shall be entitled to recover the same from the party of the first part.
- (2) That all liabilities for any period after 30th September, 1965 shall, however, be payable by the said company and the party of the first part shall have nothing to do with the same.”

Thus according to clause (1) the purchaser company is not responsible for any liability relating to the period up to and including the 30th September, 1965, except those liabilities which were recorded in the books of the company and included in the trial balance as on 30th September, 1965. In case the purchaser company (party of the second part) was compelled to make payment for any such liability the seller company (party of the first part) was under an obligation to compensate it for the same. Under clause (2) all the liabilities for any period after 30th September, 1965, were to be met by the new company and the seller company had nothing to do with the same. This makes it clear that the purchaser company was absolved under this agreement of all the liabilities and responsibilities accruing up to 30th September, 1965, except those recorded in the books and included in the trial balance up to that date. Shri Ranjit Singh the workman concerned was dismissed from service on 11th September, 1965, i.e., earlier than 30th September, 1965, after which the liability lay upon the purchaser company. In view of this covenant between the two companies the workman concerned cannot lay any claim against the present management in respect of his dismissal which was the responsibility of the previous management. This issue is decided against the workman.

Issue No. 2.—In support of the propriety of the enquiry we have the statement of the enquiry officer R.W. 1 who is an Advocate of Ambala Cantt. According to him the workman appeared before him and was present during the examination of the witnesses produced by the management. He duly cross examined them but when asked to make his own statement and produce his evidence he left the proceedings on the ground that his two applications presented before the enquiry officer were not properly considered. Therefore the remaining proceedings were taken *ex parte* against him. This will also be seen from the proceedings taken by the enquiry officer.

To rebut this evidence the workman examined Faqiria A.W. 1, Manohar Singh A.W. 2 and Sita Ram A.W. 4, Office Manager of the respondent company besides the workman concerned himself, who appeared as A.W. 5. Faqiria stated that he never appeared before the enquiry officer and never made any statement attributed to him. This is the person on whose complaint the enquiry was held against Ranjit Singh. He did not deny the presence of his thumb impression on the record but explained it by stating that the same were obtained from him in his village by Manohar Singh. Manohar Singh has nothing to say on the point and he was put no question to clear it. He was at that time in the employ of the Company and was admittedly present during the proceedings on 6th September, 1965, when the evidence of the management was recorded. The witness deposed that before the evidence of the management started the workman left as a protest against the enquiry officer not considering his applications made for permitting Shri J.D. Bakshi, a representative of his Union, to assist him in the proceedings and for adjournment of the case. He specifically stated that the question of cross examination of the witnesses by Ranjit Singh did not rise as he was not present then. So is the statement of the workman himself. Sita Ram A.W. 4 was examined by the workman to prove some of the documents. In his cross examination he stated that the workman was present throughout the proceedings and he cross examined the witnesses produced by the management. He also deposed that the statement of Faqiria was recorded by the enquiry officer in his presence.

After giving my careful thought to the evidence produced by the parties I am inclined to accept the testimony of the enquiry officer and Sita Ram on the point that during the enquiry when the statements of the witnesses produced by the management were recorded Ranjit Singh was present and he cross examined the witnesses. The counter version given by the workman and his witnesses does not seem to be plausible.

It has been urged on behalf of Ranjit Singh that the enquiry officer was not justified in rejecting his request for allowing Shri J.D. Bakshi, a representative of his union to represent him during the enquiry and to give him an adjournment. Both these matters were in the discretion of the enquiry officer and it cannot be said that the discretion was exercised arbitrarily. As laid down by their Lordships of the Supreme Court in the two cases reported as 1960 II LLJ 228 and 1961 II LLJ 417 a workman against whom an enquiry is being held by the management has no right to be represented at such enquiry by a representative of his Union, though the employer in his discretion can and may allow him to be so represented and it cannot be said that in any enquiry against a workman natural justice demands that he should be represented by a representative of his Union. The workman could not get an adjournment as a matter of right. The enquiry officer did not consider it proper to grant the adjournment and this act of his cannot be called into question. The workman had no reasonable excuse to absent himself from the enquiry proceedings simply because his two requests referred to above were not acceded to by the enquiry officer. He left the proceedings at his own risk.

The above discussion leads me to the conclusion that a proper enquiry was held against the workman and that, therefore, the impugned order of dismissal cannot be said to be unjustified. This issue is decided in favour of the management.

As a result of the findings given above the claim of the workman fails and the same is hereby dismissed. In the circumstances of the case I would make no order as to costs.

The 27th October, 1966.

ISHWAR DAS PAWAR,
Presiding Officer,
Industrial Tribunal, Punjab,
Chandigarh.

No. 1996, dated Chandigarh, the 31st October, 1966

The award be submitted to the Secretary to Government, Punjab, Labour Department, Chandigarh, as required by section 15 of the Industrial Disputes Act, 1947.

ISHWAR DAS PAWAR,
Presiding Officer,
Industrial Tribunal, Punjab,
Chandigarh.

No. 156-3 Lab-66/529.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Punjab, Chandigarh, in respect of the disputes between the workmen and management of M/s Bhupendra Cement Works, Surajpur.

BEFORE SHRI ISHWAR DAS PAWAR, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, PUNJAB, CHANDIGARH.

Reference No. 21 of 1966

IN THE MATTER OF INDUSTRIAL DISPUTE

Between

THE WORKMEN AND THE MANAGEMENT OF M/S BHUPENDRA CEMENT WORKS, SURAJPUR
AWARD

An industrial dispute having arisen between the workmen and the management of the Bhupendra Cement Works, Surajpur, the following matter was referred to this Tribunal by the Government of Punjab under clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947,—*vide* notification No. 247-SF-3-Lab-I-66/, dated 6th April, 1966, for adjudication :—

Whether the workmen are entitled to any additional Bonus for the years 1962-63 and 1963-64 ? If so, what should be the quantum of Bonus and terms and conditions of its payment ?

In response to the usual notices issued to the parties they put in appearance and filed statements of their respective cases. On the basis of their pleadings necessary Issues were framed, but before evidence could be recorded the Tribunal has received an order of the Government of India, Ministry of Labour & Employment, New Delhi, dated 19th October, 1966, showing that this dispute has been referred to the National Tribunal for adjudication. Under clause 6 of section 10 of the Industrial Disputes Act the reference pending before this Tribunal shall, therefore, be deemed to have been quashed. Accordingly the present reference has become infructuous and, is therefore, filed.

31st October, 1966.

ISHWAR DAS PAWAR,
Presiding Officer,
Industrial Tribunal, Punjab,
Chandigarh.

No. dated Chandigarh the 31st October, 1966

The award be submitted to the Secretary to Government, Punjab, Labour Department, Chandigarh, as required by section 15 of the Industrial Disputes Act.

ISHWAR DAS PAWAR,
Presiding Officer,
Industrial Tribunal, Punjab,
Chandigarh.

No. 212-3 Lab-66/531.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following Arbitration award of Shri Din Dayal Sharma, I.A.S., Labour Commissioner, Punjab, in respect of the dispute between the workmen and management of M/s National Industrial Corporation, Panipat.

BEFORE SHRI DIN DAYAL SHARMA, I.A.S. LABOUR COMMISSIONER, PUNJAB
(SOLE ARBITRATOR)

Between

THE WORKMEN AND THE MANAGEMENT OF M/S NATIONAL INDUSTRIAL CORPORATION, PANIPAT

Present.—

Shri Din Dayal Sharma, I.A.S., Labour Commissioner, Punjab (Sole Arbitrator).

Appearances.—

- | | | |
|--|---|-----------------------|
| <ol style="list-style-type: none"> 1. Shri Om Parkash Gupta, Partner, M/s National Industrial Corporation, Panipat, on behalf of the management ; 2. Shri Raghubir Singh, representative of workmen and 3. Shri G.C. Joshi, Authorised Representative and General Secretary, INTUC, Punjab Branch, Shriv Shivar, Workshop Road, Yamuna Nagar (Ambala) ... | } | On behalf of workmen. |
|--|---|-----------------------|

AWARD

Vide Government notification, dated 6th June, 1965, under section 10(A) of the Industrial Disputes Act a dispute between the workmen employed by M/s National Industrial Corporation, Panipat, in their weaving section was referred to my arbitration. The point in issue was "Whether about 26 workmen in that section were permanent or temporary employees".

I heard the case of the two parties after they had filed the statement of claims at Panipat. It transpired that the persons in the weaving section were engaged in manufacturing blankets for supply to the Army. For these supplies, the order is not placed by the Department on continuous basis but tenders are called and some-time the tender of the party is accepted and on other occasions, it is not. Hence, the party is not in a position to guarantee continuous work. Apart from the irregularity of orders for the goods a further complication arose from the shortage of raw material. I got figures and studied the position during the last 4 years and I found that whenever the management were successful in getting an order then this section had to complete the work within the allotted time. Thereafter, there was a break and till new orders came, the work had to be dis-continued. Hence, I award that in the circumstances of the case, the work in this Section is not of a continuous and permanent nature and hence, there is no justification for declaring these workers to be permanent employees of the concern in the weaving section. Hence, the claim of the workers is over-ruled and the award is hereby given against their claim.

DIN DAYAL SHARMA,
Labour Commissioner, Punjab.
(Arbitrator)

The Award is submitted to Government in accordance with section 10-A(4) of the Industrial Disputes Act, 1947.

DIN DAYAL SHARMA,
Labour Commissioner, Punjab.
(Sole Arbitrator)

Dated Chandigarh, the 30th October, 1966.

SUBE SINGH, Secy.

HARYANA GOVERNMENT INDUSTRIES DEPARTMENT

The 31st October, 1966.

No. 13267-SIB(I)-66/13270.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and all other powers enabling him in this behalf, the President of India is pleased to make following rules regulating recruitment and conditions of service of persons appointed to the Haryana Industries Service (State Service Class I), namely :—

PART I

GENERAL

Short Title.—(i) These rules may be called the Haryana Industries Service (State Service Class I) Rules, 1966.

(2) They shall come into force at once.

2. Definitions.—In these rules, unless the context otherwise requires —

- (a) "Commission" means the Punjab Public Service Commission ;
- (b) "direct appointment" means an appointment made otherwise than by promotion or by transfer of an official already in the Service of the Government of India, or of a State Government ;
- (c) "Government" means Haryana Government in the Administrative Department ;
- (d) "Recognised University" means —
 - (i) any University incorporated by law in any of the States of India ;
 - (ii) in the case of degree or diploma obtained as a result of examination held before the 15th August, 1947, the Punjab Sind, or Dacca University ;
 - (iii) or any University which is declared by the Government to be a recognised University for the purposes of these rules ;
- (e) "Service" means the Haryana Industries Department (State Service Class I).

3. *Constitution of the Service.*—There shall be constituted a service to be known the Haryana Industries Service (State Service Class II) consisting of persons recruited to the Service under rule 9 after the commencement of these rules :

Provided that the persons holding the posts specified in Appendix 'A' to these rules immediately before such commencement shall be deemed to be appointed to the Service in accordance with the provisions of these rules on the designations, grades and pay laid down in Appendix 'A' to these rules.

PART II

APPOINTMENTS

4. *Number and character of posts.*—The service shall comprise the posts shown in Appendix 'A' to these Rules:

Provided that nothing in these rules shall affect the inherent right of Government to add to or reduce the number of such posts or create new posts with different designations and scales of pay, whether permanently or temporarily.

5. *Appointment to the Service.*—All appointments to the Service shall be made by Government.

6. *Nationality and Domicile, age and certain other qualifications of the candidates.*—(i) A candidate for appointment to any State Service or post must be

- (a) a citizen of India ; or
- (b) a subject of Sikkim ; or
- (c) a subject of Nepal ; or
- (d) a subject of Bhutan ; or
- (e) a Tibetan refugee who came over to India before the 1st January, 1962 with the intention of permanently settling in India ; or
- (f) a person of Indian origin who has migrated from Pakistan, Burma, Ceylon and East African countries of Kenya, Uganda and the United Republic of Tanzania (formerly Tanganyika and Zanzibar) with the intention of permanently settling in India ;

Provided that a candidate, belonging to categories (c), (d), (e) and (f) shall be a person in whose favour a certificate of eligibility has been given by the Government of India and if he belongs to category (f) the certificate of eligibility will be issued for a period of one year, after which such a candidate will be retained in service subject to his having acquired Indian Citizenship.

(ii) A candidate in whose case certificate of eligibility is necessary may be admitted to an examination or interview conducted by the Commission or other recruiting authority and he may also provisionally be appointed subject to the necessary certificate being given to him by the Government of India.

7. *Age and Qualifications.*—No person shall be recruited to the service by direct appointment unless he :—

- (a) is of such age as has been specified for each category of post in column 4 of Appendix 'B' to these rules on the 1st day of October, preceding the date of advertisement by the Commission for appointment to the Service :

Provided that Government may, in special circumstances, to be recorded in writing, relax the upper age limit ;

Provided further that in the case of candidates belonging to the Scheduled-castes/Scheduled Tribes and Backward Classes maximum age limit shall be such as may be prescribed by Government from time to time ;

- (b) holds the educational qualifications and experience as specified in column 3 of Appendix 'B' to these rules ;
- (c) Produces a certificate of character from the Principal, Academic Officer of the University, College, School or Institution last attended, if any, and similar certificates from two responsible persons not being his relatives who are well acquainted with him in his private life and unconnected with his University, College, School or Institution.

8. *Dis-qualifications.*—(1) No person, who has more than one wife living or who having a spouse living, marries in any case in which such marriage is void by reason of its taking place during the life-time of such spouse shall be eligible for appointment to any service,

(2) No woman, whose marriage is void by reason of the husband having a wife living at the time of such marriage or who has married a person who has a wife living at the time of such marriage shall be eligible for appointment to any service. Provided that the Government may, if satisfied that there are special grounds for so ordering, exempt any person from the operation of this rule.

9. *Method of Recruitment.*—Recruitment to the service shall be made in the following manner :—

- (a) In the case of Deputy Directors of Industries by promotion from amongst the Deputy Director (Class II)/Community Project Officer (Industry)/ Project Officer (Industry)/Marketing Officer Emporia Organisation, having atleast 10 years experience in Class II.
- (b) In the case of Joint Director, Additional Controller of Stores by promotion from amongst the Deputy Directors (Class I) having atleast 5 years service as such.

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- (c) In the case of Geologist Junior by promotion from amongst the Assistant Geologists having atleast 3 years experience as such.
 - (d) In the case of State Geologists by promotion from amongst the geologists Juniors havig atleast 10 years experience as such.
 - (e) In the case of Controller Weights and Measures by promotion from amongst the Assistant Controller Weights and Measures having atleast 10 years experience a s such.
 - (f) In the case of Chief Inspector of Boilers, by promotion from amongst the Inspectors of Boilers having atleast 7 years experience as such.
 - (g) In the case of Technical Expert (Production Engineering), Technical Expert (Chemical Engineering) Technical Expert (Mechanical Engineering), Senior Technical, Officer Government Testing and Finishing Centre, Deputy Director (Technical) State Handloom Officer, Superintendent Government Development and Testing Centre for Sound Products, Textile Officer (Designs), by direct appointment.

Note.—(1) Government reserve the right to fill any vacancy also by transfer or deputation from other services of the Punjab Government or other State Governments or of the Government of India ;

- (2) All promotions, whether from one grade to another or from one class of service to another shall be made by selection based on merit and taking into consideration seniority and seniority alone shall not give any right of appointment.

PART III

CONDITIONS OF SERVICE

10. *Probation of members of Service*—(1) Persons appointed to any Service shall remain on probation for a period of two years, if recruited by direct appointment and one year if recruited otherwise :

Provided that—

- (a) any period, after such appointment, spent on deputation on a corresponding or a higher post shall count towards the period of probation ;
 - (b) in the case of an appointment by transfer, any period of work in equivalent or higher rank, prior to appointment to the service, may, in the discretion of the appointing authority, be allowed to count towards the period of probation, and
 - (c) any period of officiating appointment to a service shall be reckoned as period spent on probation, but no person who has so officiated shall, on the completion of prescribed period of probation, be entitled to be confirmed, unless he is appointed against a permanent vacancy.
- (2) If, in the opinion of the appointing authority, the work or conduct of a person during the period of probation is not satisfactory, it may : —
- (a) if such person is recruited by direct appointment, dispense with his services ; and
 - (b) if such person is recruited otherwise :—
 - (i) Revert him to his former post ; or
 - (ii) Deal with him in such other manner as the term and conditions of the previous appointment permit.
- (3) On the completion of the period of probation of a periods, the appointing authority may :—
- (a) if his work or conduct has, in its opinion, been satisfactory :—
 - (i) confirm such person from the date of his appointment, if appointed against a permanent vacancy ; or
 - (ii) confirm such person from the date from which a permanent vacancy occurs, if appointed against a temporary vacancy ; or
 - (iii) declare that he has completed his probation satisfactorily, if there is no permanent vacancy ; or
 - (b) if his work or conduct has not been, in its opinion, satisfactory ;
 - (i) dispense with his services, if recruited by direct appointment or if recruited otherwise, revert him to his former post, or deal with him in such other manner as the terms and conditions of his previous appointment permit ; or
 - (ii) extend his period of probation and thereafter pass such orders as it could have passed on the expiry of the first period of probation.
- Provided that the total period of probation, including extension, if any, shall not exceed three years.

11. *Seniority of Members of the Service*.—(1) The seniority *intorse* of members of the Service holding the same Class of posts shall be determined by the length of continuous service on that post :

Provided that in the case of members recruited by direct appointment, the order of merit determined by the Commission shall not be disturbed and persons appointed as a result of an earlier selection shall be senior to those appointed as a result of subsequent selection :

Provided further that in the case of two members appointed on the same date, their seniority shall be determined as follows :—

- (a) a member recruited by direct appointment shall be senior to a member recruited otherwise ;
- (b) a member appointed by promotion shall be senior to a member appointed by transfer ;
- (c) in the case of a member appointed by promotion or by transfer, seniority shall be determined according to the seniority of such members in the appointment from which he was promoted or transferred ; and

ah (d) in the case of members appointed by transfer from different cadres, their seniority shall be determined according to pay, preference being given to a member who was drawing a higher rate of pay in his previous appointment, and if the length of such service is also the same an older member shall be senior to a younger member.

Note.1.— This rule shall not apply to members appointed on purely provisional basis pending their approval from the Punjab Public Service Commission.

Note 2.—In the case of members whose period of probation is extended under rule 10, the date of appointment for the purpose of this rule shall be deemed to have been deferred to the extent the period of probation is extended.

(2) Notwithstanding any thing contained in sub-rule (1) the seniority of the members of the service referred to in the proviso to rule 3 shall be the same as it existed immediately before the commencement of these rules.

12. *Pay of Members of Service.*—Members of the Service shall be entitled to such scales of pay including special pay, if any as may be authorised by Government from time to time. The scales of pay at present in force in respect of specified posts are given in Appendix 'A' to these rules.

13. *Discipline Penalties and Appeals.*—(1) In matters relating to discipline, punishment and appeals, members of the service shall be governed by the Punjab Civil Service (Punishment and Appeal) Rules, 1952, as amended from time to time ;

Provided that the nature of penalties which may be imposed, the authority empowered to impose such penalties and appellate authority, subject to the provisions of any law or rules made under Article 309 of the Constitution of India, shall be as specified in Appendix 'C' to these rules.

(2) The authority competent to pass an order under clauses (c) and (d) of sub rule (i) of rule 10 of the Punjab Civil Services (Punishment and Appeal) Rules, 1952 and the appellate authority, shall be as specified in Appendix 'C' to these rules.

14. *Liability of Members of Service to Transfer.*—A member of the service may be transferred by the Government to any post whether included in any other Service or not, on the same terms and conditions as are specified in rule 3.17 of the Punjab Civil Service Rules, Volume I, Part I.

15. *Liability to service.*—A member of the Service shall be liable to serve at any place, whether within or without the State of Punjab, on being ordered so to do by the appointing authority.

16. *Leave, pension and other matters.*—In respect of pay, leave, pension and other matters not expressly provided for in these rules, the members of the Service shall be governed by such rules and regulations as may have been or may hereafter be adopted or framed by competent authority under Article 309 of the Constitution of India or any law or rules made thereunder.

17. *Liability for vaccination and revaccination.*—Every member of the Service shall get himself vaccinated or re-vaccinated when Government so directs by a special or general order.

18. *Liability to serve in Defence Forces.*—An Engineering graduate, appointed to this service shall, if so required, be liable to serve in any Defence Services or post connected with the Defence of India for a period of not less than four years including the period spent on training, if any, provided that such Officer

(a) shall not be required to serve as aforesaid after the expiry of 10 years from the date of appointment

(b) shall not ordinarily be required to serve as aforesaid after attaining the age of 40 years.

19. *Powers of relaxation.*—Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons.

APPENDIX 'A' (CLASS I)

(See rules 3, 4 and 12)

Serial No.	Description of posts	No. of posts	Scale of pay
			Rs
1	Joint Director/Additional Controller of Stores	3	1,250—50—1,500
2	Deputy Director (Industries)	.. 4	500—25—600/40—800/50—1,000
3	State Geologist	.. 1	1,300—60—1,600
4	Geologist (Junior)	.. 2	400—40—800/50—950
5	Controller, Weights and Measures	.. 1	500—25—600/40—800/50—1,000
6	Chief Inspector of Boilers	.. 1	500—30—980/20—1,000

Serial No.	Designation of posts	No. of posts	Scale of pay
7	Technical Organiser (Out of the purview of the Punjab Public Service Commission)	1	500—25—600/40—800/50—1000
8	Technical Expert (Production Engg.)	1	1,300—60—1,600/100—1,800
9	Technical Expert (Chemical Engg.)	1	1,300—60—1,600/100—1,800
10	Technical Expert (Mechanical Engg.)	1	1,300—60—1,600/100—1,800
11	Senior Technical Officer Government Testing and Finishing Centre	1	625—40—825/40—1,025/50—1,275
12	Deputy Director (Technical)	1	350—40—750/40—950/50—1,200
13	State Handloom Officer	1	350—40—750/40—950/50—1,200
14	Superintendent, Government Development and Testing Centre for Sound Products	1	500—25—600/40—800/50—1,000
15	Textile Officer (Designs)	1	500—25—600/40—800/50—1,000

APPENDIX 'B'

(See rule 7)

Serial No.	Name of the post (Class I)	Qualifications	Age limits in years
1	2	3	4
1	Technical Expert (Production Engg.)	<p>Essential</p> <p>(a) 1st Class graduate or post Graduate Degree from a recognised University in Mechanical or Electrical Engineering or Metallurgy</p> <p>(b) Practical experience of 10 years in Mechanical/Electrical/ Metallurgical Engineering directly connected with Production problems or equivalent experience in Government Technical Development/Department dealing with development and production problems of Engineering Industries.</p> <p>Preferential</p> <p>(a) Post Graduate practical training in production engineering.</p> <p>(b) Management experience with special reference to the operative part of Technical management and /or management of specific Industrial concern with emphasis on the operative parts of technical direction and production control.</p>	Not less than 35 and not more than 50
2	Technical Expert (Chemical Engg.)	<p>Essential</p> <p>(a) 1st Class Graduate or Post Graduate Degree from a recognized university in Chemical Technology or Chemical Engg. or Allied Branch of the Chemical Industry.</p>	Ditto

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- (b) Practical experience of 10 years in Technology, including research Chemical Engineering directly connected with designs manufacture or development problems of chemical industry or equivalent experience in Government Technical Development Department dealing with the Planning Development and Production problems of the industry as the case may be.

Preferential

- (a) Practical training in Engineering Industry.
- (b) Experience in Economic Assessment of Industrial projects or management experience with special reference to the operative part of Technical management of specific industrial concerns with an emphasis on the operative part of Technical direction and management

3 Technical Expert (Mechanical Engg.)

Essential

Not less than 45 and not more than 50

- (a) 1st Class Graduate or Post Graduate Degree from a recognised University in Mechanical or Mechanical and Electrical Engineering.
- (b) Practical Experience of 10 years in Mechanical/Electrical Engineering directly connected with designs, manufacturing or development problems of Engineering products Or equivalent experience in Government Technical Development Department dealing with the planning, development and production problems of industry as the case may be

Preferential

- (a) Practical training in Engineering Industry.
- (b) Experience in Economic Assessment of industrial products or management experience with special reference to the operative parts of Technical management and management of specific industrial concern with an emphasis on the operative part of technical direction and management.

4 Senior Technical Officer, Government Testing and Finishing Centre, Ludhiana

- (a) Degree preferably in Metallurgy or Electrical/Mechanical Engineering from a recognised University. Candidate with a degree in Metallurgy will be preferred.

Not less than 26 and not more than 45

- (b) At least 3 years practical experience in a responsible position involving metallurgical controls for Heat Treatment Electroplating and enamelling processes and organisational duties and office administration in Government Department or leading manufacturing concern equipped with a workshop preferably engaged in the production of cycle parts or complete cycles.

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(c) should be well versed with the laying down of standards and specifications of cycle parts and other light engineering products and capable of designing and inspecting tools, jigs and fixtures ; and

(d) should be familiar with the standards testing machines in a metallurgical laboratory

Basic qualifications may be relaxed in the case of exceptionally qualified/experienced persons

5 Deputy Director (Technical)

M.Sc. (Tech.) from a recognised University in India or abroad

Not less than 25 and more than 45

Or

B. Sc. (Engg.) in Electrical or Radio or Instruments Technology from a recognised University in India

(b) Practical experience—minimum 5 years in the respective field in Government organisation or in a reputed private concern

(c) Preference to persons having practical experience in the respective trade abroad.

6 State Handloom Officer

Essential :

Not less than 25 and not more than 35

Degree in Textile Technology from any recognised University with 5 years experience in the Development (Designing Production and Marketing etc.) of Handloom Textile Industry in a responsible capacity relaxable for candidates possessing higher/foreign qualifications

Preferential :

Foreign Technical Qualification/Administrative experience in a responsible capacity. Condition of experience relaxable in the case of candidates possessing higher/foreign qualifications

7 Superintendent, Government Dev. and Testing Centre for Sound Products, Jullundur

(i) M.Sc. in Physics with Wireless as special subject ; or Graduate in Telecommunication Engineering

Not less than 26 and not more than 45

(ii) Five years' practical experience

8 Textile Officer (Designs)

.. Diploma in Fine Arts from a recognised school of Arts. Atleast 5 years' experience of making artistic designs and patterns for weaving and printing etc. in a responsible position in a Government or Commercial concern of good standing. Knowledge of textile technology will be considered as an additional qualification. Candidates with knowledge of Accounts and possessing Admn. experience will be preferred

Not less than 27 and not more than 45

9 Technical Organiser (Handicrafts)

Matriculation with 15 years direct experience of manufacturing designing and practical craftsmanship in Arts and Crafts of the region

Not less than 30 and not more than 45

APPENDIX 'C'
(See rule 13)

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Referred to in rule 11.

Designation of Official	Nature of Penalty	Punishing Authority	Appellate Authority
Part I			
All Members of the Haryana Industries Service (State Service Class I)	(a) Censure	Director of Industries, Punjab Government	Government
	(b) Withholding of increment or promotion including stoppage at an efficiency bar		
	(c) Reduction to a lower post or time scale or to a lower stage in a time-scale	Do	
	(d) Recovery from pay of the whole or of any pecuniary loss caused to Government by negligence of breach of orders	Do	
	(e) Suspension	Do	
	(f) Removal from the service which does not disqualify from future employment	Do	
	(g) Dismissal from the service which ordinarily disqualifies from future employment	Do	
Part II (Other Orders)			
	(a) Reducing the maximum pension admissible to him under the rule governing pension	Government	
	(b) Terminating his appointment otherwise than upon his reaching the age fixed for superannuation	Do	

The 21st November, 1966

No. 352-2IB-66/368.—The Governor of Haryana is pleased to make the following appointments from the dates mentioned against column 5 below :—

Name of the Officer	Rank	Appointed as	Posted at	With effect from	Remarks
1	2	3	4	5	6
1. S. K. Bhatnagar	P.I.S. (II)	Assistant Geologist	Chandigarh	1-11-66	
2. D. V. Bhatia	P.I.S. (II)	Marketing Officer (Emporia)	Chandigarh	1-11-66	
3. Narinder Shah	P.I.S. (II)	Assistant District Industries Officer	Faridabad	1-11-66	
4. Karnail Singh	P.I.S. (II)	Information Officer	Chandigarh	1-11-66	
5. K. K. Kapoor	P.I.S. (II)	District Industries Officer	Ambala	1-11-66	
6. Maktul Singh	Provincial Co-operative Service (I)	Deputy Registrar Industrial Co-operatives	Chandigarh	1-11-66	
7. Harbhajan Lal	P.I.S. (I)	Chief Inspector of Boilers	Jullundur (City)	1-11-66	
8. Shanti Sarup Dutta	P.I.S. (II)	Assistant Director (Design)	Chandigarh	1-11-66	
9. Brahma Nand	P.I.S. (II)	Store Inspection Officer	Chandigarh	1-11-66	
10. S. C. Mahajan	P.I.S. (II)	Mining Officer	Narnaul	1-11-66	
11. Kanti Sarup Singal	P.I.S. (II)	Assistant District Industries Officer	Jagadhri	1-11-66	
12. Madan Lal Jain	P.I.S. (II)	Assistant District Industries Officer	Bhiwani	1-11-66	
13. Inderjit Vohra	P.I.S. (II)	District Industries Officer	Jind	1-11-66	